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**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY**

IN THE MATTER OF:

**DAVID IZENBERG, D.O.**  
Holder of License No. **2253**

For the practice of osteopathic medicine in  
the State of Arizona

) Case No.: DO-16-0133A

) **INTERIM CONSENT AGREEMENT AND  
ORDER FOR PRACTICE RESTRICTION  
AND EVALUATION**

**INTERIM CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Board of  
Osteopathic Examiners in Medicine and Surgery ("Board") and David Izenberg, D.O.  
("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement  
and the stipulated Interim Findings of Fact, Interim Conclusions of Law and Interim  
Order ("Interim Consent Agreement"). Respondent acknowledges that he has the right  
to consult with legal counsel regarding this matter and has done so or chooses not to do  
so.

2. By entering into this Interim Consent Agreement, Respondent voluntarily  
relinquishes any rights to a hearing or judicial review in state or federal court on the  
matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued  
by the Board, and waives any other cause of action related thereto or arising from said  
Interim Consent Agreement.

3. This Interim Consent Agreement is not effective until approved by the  
Board and signed by its Executive Director.

1           4.     Respondent admits to the Interim Findings of Fact and Interim  
2 Conclusions of Law contained in the Interim Consent Agreement.

3           5.     This Interim Consent Agreement, or any part thereof, may be considered  
4 in any future disciplinary action against Respondent.

5           6.     This Interim Consent Agreement does not constitute a dismissal or  
6 resolution of this or other matters currently pending before the Board, if any, and does  
7 not constitute any waiver, express or implied, of the Board's statutory authority or  
8 jurisdiction.

9           7.     All admissions made by Respondent are solely for disposition of this  
10 matter and any subsequent related administrative proceedings or civil litigation involving  
11 the Board and Respondent. Therefore, said admissions by Respondent are not  
12 intended or made for any other use, such as in the context of another state or federal  
13 government regulatory agency proceeding or civil or criminal court proceedings, in the  
14 State of Arizona or any other state or federal court.

15          8.     Upon signing this agreement, and returning this document (or a copy  
16 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance  
17 of the Interim Consent Agreement. Respondent may not make any modifications to the  
18 document. Any modifications to this original document are ineffective and void unless  
19 mutually approved by the parties.

20          9.     This Interim Consent Agreement, once approved and signed, is a public  
21 record that will be publicly disseminated as a formal action of the Board and will be  
22 reported to the National Practitioner Data Bank and to the Board's website.

23          10.    If any part of the Interim Consent Agreement is later declared void or  
24 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety  
25 shall remain in force and effect.

11. If the Board does not adopt this Interim Consent Agreement, (1) Respondent will not assert as a defense that the Board's consideration of the Interim Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense; and (2) the Board will not consider content of this Interim Consent Agreement as an admission by Respondent.

REVIEWED AND ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_, 2017.

David Izenberg, D.O.

#### JURISDICTIONAL STATEMENT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent holds license No. 2253 issued by the Board to practice as an osteopathic physician.

#### INTERIM FINDINGS OF FACT

1. On June 23, 2016, The Board received a complaint from patient J.P.'s parents regarding care provided to him by Respondent.
2. The complainant alleged he was under Respondent's care for several years, since 2007, and throughout his care, they felt Respondent had overprescribed medications to their son. They also felt he failed to recognize their son was a drug addict and his continued prescribing enabled their son's habit.
3. A review of the medical records and treatment indicate that Respondent did prescribe a number of controlled substances to J.P. There were

1 significant concerns about Respondent's treatment, lack of examinations and his  
2 general knowledge base. A chart review was completed and it raised a concern of a  
3 pattern regarding inappropriate prescribing by Respondent.

4 5. The Board held an Investigative Hearing on this matter on  
5 May 6, 2017. Respondent appeared personally and with counsel.

6 6. The Board had the following concerns based upon the evidence that  
7 Respondent:

- 8 a. Prescribed both opioids and benzodiazepines concurrently;
- 9 b. Prescribed methadone in conjunction with benzodiazepines and opioids;
- 10 c. Prescribed multiple benzodiazepines to the same patient;
- 11 d. Prescribed drugs without understanding the side-effects;
- 12 e. Continued to prescribe opioids to patients who had a past history of  
13 substance abuse;
- 14 f. Failed to recognize drug seeking behavior in some of his patients,  
15 including patient J.P.;
- 16 g. Continued to prescribe and over-prescribe controlled substances;
- 17 h. Prescribed Adderall to a patient without doing a work- up to determine if  
18 the patient had ADHD;
- 19 i. Failed to monitor persons to whom the drugs were being prescribed to  
20 guard against overprescribing;
- 21 j. Failed to obtain urine drug screens from patients taking controlled substances  
22 on a consistent basis;
- 23 k. Failed to document prescriptions for controlled substances;
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1 l. Failed to examine the patient to determine the condition that he felt necessitated  
2 the prescribing of the medications;

3 m. Failed to document physical examination results;

4 n. Failed to document the reason(s) for the prescription(s)

5 o. Failed to make appropriate pain management and psychiatric referrals.

6  
7 **INTERIM CONCLUSIONS OF LAW**

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9 1. Pursuant to A.R.S. §32-1800, et seq. the Board has subject matter  
10 and personal jurisdiction in this matter. .

11 2. The conduct and circumstances described in paragraphs 1 through 6  
12 above, if proven, constitute unprofessional conduct as defined in the following  
13 paragraphs of A.R.S. §32-1854:

14 (6) Engaging in the practice of medicine in a manner that harms or  
15 may harm a patient or that the Board determines falls below the community standard.

16 (21) Failing or refusing to establish and maintain adequate records on a  
17 patient as follows:

18 (a) If the patient is an adult, for at least six years after the last date the  
19 licensee provided the patient with medical or health care services.

20 (36) Prescribing or dispensing controlled substances or  
21 prescription-only medications without establishing and maintaining adequate patient  
22 records.

23 (38) Any conduct or practice that endangers a patient's or the public's health  
24 or may reasonably be expected to do so.

1 (48) Prescribing, dispensing, or furnishing a prescription medication  
2 or a prescription-only device to a person if the licensee has not conducted a  
3 physical or mental health status examination of that person or has not previously  
4 established a physician-patient relationship.

5 **INTERIM ORDER**

6 Pursuant to the authority vested in the Board, and based upon the Interim  
7 Findings of Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT:**  
8

9 1. Respondent's license to practice osteopathic medicine, No. 2253, is  
10 placed on a practice restriction that prohibits him from prescribing or dispensing  
11 Schedule 2, 3, 4 and 5 medications, and psychotropic medications. Respondent may  
12 not provide any recommendations for medical marijuana. This restriction shall remain in  
13 place until Respondent appears before the Board and the Board lifts the restriction.  
14

15 2. This Interim Order for practice restriction for prescribing will be effective  
16 May 22, 2017 at 11:59 p.m. Prescriptions written on or before May 22, 2017  
17 is considered valid and effective and may be filled.

18 3. **IT IS FURTHER ORDERED**, Respondent shall undergo a physician  
19 practice assessment by the Physician Assessment and Clinical Education Program  
20 ("PACE"), at the University of San Diego (619-543-6770/[www.paceprogram.ucsd.edu](http://www.paceprogram.ucsd.edu))  
21 or a practice assessment through The Center For Personalized Education for  
22 Physicians ("CPEP") in Denver, Colorado (303-577-3232 or [www.cpepdcc.org](http://www.cpepdcc.org)),  
23 or an equivalent program that has been pre-approved by the Board's Executive  
24 Director, unless otherwise ordered by the Board. The evaluation shall be completed  
25 no later than October 31, 2017.  
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1           4.       Respondent shall cause all reports resulting from the  
2 evaluation/assessment to be delivered directly from the evaluator to the Executive  
3 Director of the Board. The case will be placed back on the Board's agenda for the  
4 next available meeting once the report has been received.

5           5.       Respondent's current dispensing registration shall be suspended  
6 until the Board lifts the suspension.

7           6. This is an interim order and not a final decision by the Board  
8 regarding the pending investigative file and as such is subject to further consideration  
9 and modification by the Board.  
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11           7.       Respondent shall sign such releases as are necessary to ensure that the  
12 report(s) of the evaluation and/or assessment are made directly and confidentially to the  
13 Executive Director of the Board of Osteopathic Examiners.

14           8.       Costs: Respondent shall bear all costs incurred regarding compliance  
15 with this Order.

16           9.       Any violation of this Consent Agreement constitutes unprofessional  
17 conduct and may result in disciplinary action and or referral to the appropriate law  
18 enforcement agency.  
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ISSUED THIS 22<sup>nd</sup> DAY OF May, 2017.  
STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: \_\_\_\_\_

Jenna Jones, Executive Director

Original filed this 22<sup>nd</sup> day of May, 2017 with the:

Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

Copy of the foregoing sent via regular mail this  
22<sup>nd</sup> day of May, 2017 to:

David Izenberg, D.O.  
Address of Record

And

Steve Myers, Esq.  
Address of record

Copy of the foregoing sent via regular mail  
this 22<sup>nd</sup> day of May, 2017 to:

Jeanne Galvin, AAG  
Office of the Attorney General SGD/LES  
1275 West Washington  
Phoenix AZ 85007